



1AP7 Rec'd PCT/PTO 28 AUG 2006

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August 28, 2006

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/574,407  
Filed: March 30, 2006  
For: "GENE MODULATION BY RB2/P130 EXPRESSION"  
Attorney Docket No. 03-40171-US (869233.20013)

Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. Response to Notification of Missing Requirements under 35 U.S.C. 371;
2. Executed Combined Declaration and Power of Attorney from inventor (total 3 pages);
3. Copy of the Notification of Missing Requirements under 35 U.S.C. 371;
4. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

The Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account No. 18-0586.

Respectfully submitted,

Nanda P.B.A. Kumar  
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Attorney for Applicant

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EV 080673900 US

Date of Deposit: August 28, 2006

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" on the date indicated above and is addressed to MAIL STOP Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Laurie A. Drummond

Signature

LONDON ♦ NEW YORK ♦ LOS ANGELES ♦ SAN FRANCISCO ♦ WASHINGTON, D.C. ♦ PHILADELPHIA ♦ PITTSBURGH ♦ OAKLAND  
MUNICH ♦ PRINCETON ♦ FALLS CHURCH ♦ WILMINGTON ♦ NEWARK ♦ MIDLANDS, U.K. ♦ CENTURY CITY ♦ RICHMOND ♦ LEESBURG

reedsmith.com



PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Antonio Giordano

: Attorney Docket No.: 03-40171-US

Serial No.: 10/574,407

: Examiner: Barbara A. Campbell

Filed: March 30, 2006

: Group Art Unit: TBD

For: GENE MODULATION BY RB2/P130 EXPRESSION

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to a Notification of Missing Requirements under 35 U.S.C. 371, mailed by the U.S. Patent Office on August 11, 2006 the response to which is due October 11, 2006.

As required by the Notice, Applicant submits herewith the executed Combined Declaration and Power of Attorney form, in accordance with 37 CFR § 1.63. Applicant also submits herewith, a copy of the Notification of Missing Requirements under 35 U.S.C. 371, dated August 11, 2006.

The Notice also indicates that a copy of the "Sequence Listing" in a paper form as well as a computer readable form (CRF) have not been submitted in the above application as required by 37 CFR § 1.821. In response, Applicant respectfully submits that the instant application is not believed to contain any nucleotide and/or amino acid sequences as those terms are defined under 37 CFR § 1.821. Accordingly, withdrawal of this requirement is respectfully requested.

Please charge any other fee required and/or credit any overcharge with respect to this response to Deposit Account No. 18-0586.

Respectfully submitted,

Narda P.B.A. Kumar  
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Attorney for Applicant

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Name: Laurie A. Drummond

Signature



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/574,407	Antonio Giordano	0340171US

INTERNATIONAL APPLICATION NO.
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PCT/US04/32286

I.A. FILING DATE	PRIORITY DATE
09/30/2004	09/30/2003

07066  
 REED SMITH LLP  
 2500 ONE LIBERTY PLACE  
 1650 MARKET STREET  
 PHILADELPHIA, PA 19103

CONFIRMATION NO. 7549

371 FORMALITIES LETTER



\*OC000000019988160\*

Date Mailed: 08/11/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/30/2006
- Copy of the International Search Report filed on 03/30/2006
- Preliminary Amendments filed on 04/27/2006
- Oath or Declaration filed on 03/30/2006
- U.S. Basic National Fees filed on 03/30/2006
- Priority Documents filed on 03/30/2006
- Specification filed on 03/30/2006
- Claims filed on 03/30/2006
- Abstracts filed on 03/30/2006
- Drawings filed on 03/30/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new

matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,407	PCT/US04/32286	0340171US